HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.21457 OF 2000

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Between:

Sri Boora Mallesham

……Petitioner

And

Union of India, rep. by its Deputy Secretary to Govt.,
Ministry of Home Affairs, Freedom Fighters Division,
Lok Nayak Bhavan, Khan Market, New Delhi
and another

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri Y.Rama Rao

Counsel for Respondent No.1 : Shri A.Rajasekhar Reddy

Dated: 24-10-2006

In this petition, the petitioner has prayed for issue of a

mandamus to respondent No.1 to consider his claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme').

It is borne out from the record that during the pendency of the writ petition, the Government of India rejected the petitioner's claim for pension and this was conveyed to him by Under Secretary to Government of India, Ministry of Home Affairs, vide his letter No.112/804/94-FF (HC) dated 08-09-2006.

Shri Y.Rama Rao, learned counsel for the petitioner says that in view of paragraph 7 of communication dated 08-09-2006, his client may be permitted to withdraw the writ petition with liberty to submit fresh documents to the State/Central Government for reconsideration of his case for grant of pension under the 1980 Scheme. He also made a request that the Court may issue a time bound direction for consideration of the petitioner's case for grant of pension.

Shri A.Rajasekhar Reddy, learned Assistant Solicitor General appearing for the Government of India says that appropriate decision on the representation, if any, made by the petitioner for reconsideration of his case for grant of pension under the 1980 Scheme will be taken within six weeks from the date of receipt of verification report from the State Government.

In view of the above, the writ petition is disposed of with the following directions:

1) Within six weeks of the submission of application by the petitioner along with documentary evidence for reconsideration of his case for grant of pension under the 1980 Scheme, the State Government shall, after getting the necessary inquiry conducted, forward the same to the concerned officer of the Government of India, Ministry of Home Affairs.

2) Within six weeks of the receipt of communication sent by the Government of Andhra Pradesh, the

concerned authority of the Government of India shall reconsider the petitioner's case for grant of pension under the 1980 Scheme and decide the same by passing a speaking order. The order shall be communicated to the petitioner by registered post within next two weeks.

3) If the competent authority comes to the conclusion that the petitioner is eligible and entitled to receive pension under the 1980 Scheme, then a direction be given for release of pension to him along with arrears, if any, which may be admissible to him as per the extant policy.

G.S. SINGHVI, CJ

24-10-2006

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